IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1325 OF 2005

Guruswarup Srivastava ...Petitioner.

V/s

1. Senior Inspector of
Police, Oshiwara Police
Station, Andheri (W),
Mumbai - 400 058 and
Ors. ...Respondents.

Shri A.V. Anturkar with Shri Uday Warunjikar with
Shri D.M. Galane for the petitioner.

Shri A.S. Shitole, APP for the State.

CORAM: V.G. PALSHIKAR
&
R.C. CHAVAN, JJ.

DATE : 12th July, 2005

P.C.:

1. By this Petition, petitioner has made the following prayers:-

"a. Issue Rule in the above matter.

b. Issue a writ of mandamus or any other writ direction or order in the nature of mandamus be issued against the respondents nos. 1 and 2 directing them to carry out thorough, effective, proper and expeditious investigation in M.I.C.R. No.2/2005

registered by Oshiwara Police Station and submit appropriate police report before the Court of Ld. Magistrate, at Andheri, Mumbai, as early as possible.

c. Direct the respondent nos. 1 and 2 to submit before this Hon'ble Court, the progress of investigation conducted by the police, Oshiwara police station and the action taken in M.I.C.R. No. 2/2005 since 15.1.2005 till this date.

d. Issue ad-interim directions in the nature of prayer clause (c) above.

e. Pass such other and further reliefs/directions as may be deemed proper and reasonable."

2. This Court by its order dated 5th May, 2005 required the respondents to file an affidavit in relation to the contentions raised. Affidavit accordingly has been filed wherein the concerned Police Officer has explained why the cheque could not be seized and has claimed extention of time for

completion of the investigation. What is the stage of investigation is not known. The contention on behalf of the petitioner is that the respondents - Police Authorities are doing nothing for last several weeks or months and, therefore, there is no question of granting any time to complete the investigation. The investigaton is required to be completed by some one else.

3. We have taken into consideration the affidavit which details about how the search was taken, how the arrest was sought to be made and how the investigation is going on. In so far as search is concerned, the document in question is supposed to be with some other competent authority. Matter is under investigation of the police. There is, therefore, no need to issue any directions to respondent Nos. 1 and 2 to conduct proper and expeditious investigation into the crime alleged and the appropriate report as required by section 156 of the Cr.P.C. will have to be made in accordance with law. We deem it unnecessary to inquire the progress of investigation conducted by the police in this manner. It appears from the affidavit that in relation to one transaction, one complaint is filed here in Maharashtra State and another in the State of Delhi. Consequently, some additional time is

bound to be required for purpose of complete investigation. In such circumstances, we see no reason to interfere. Writ Petition is rejected.

(V.G. PALSHIKAR, J.)

(R. C. CHAVAN, J.)